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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/683,686	10/10/2003	Daniel T. Laur	MSH - 264	9927
8131	7590	05/11/2005	EXAMINER	
MCKELLAR IP LAW, PLLC 784 SOUTH POSEYVILLE ROAD MIDLAND, MI 48640			ROBERTSON, JEFFREY	
			ART UNIT	PAPER NUMBER
			1712	
DATE MAILED: 05/11/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/683,686

Applicant(s)

LAUR ET AL.

Examiner

Jeffrey B. Robertson

Art Unit

1712

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura et al. (U.S. Patent No. 5,652,290).

For claims 1 and 2, Nakamura teaches silicone rubbers that contain polyorganosiloxanes that have vinyl groups bonded to silicon atoms, organosilicon compounds containing Si-H groups, and organic peroxides. Col. 1, line 55 through col. 2, line 7. For claim 2, the hydrogen-containing organopolysiloxane is not distinguished from the polyorganohydrogensiloxane set forth by Nakamura in col. 4, lines 9-15.

For claim 3, Nakamura teaches that the components can be mixed together in one part in col. 6, lines 53-56.

Reitmeier teaches that the degree of polymerization of the diorganopolysiloxanes used is 3,000 in col. 7, line 50. The examiner's position is that given this disclosure, the compositions would be liquid.

Art Unit: 1712

For claims 4 and 5, Nakamura teaches the addition of fillers including silica filler.

Col. 6, lines 6-9.

For claims 6-13, the specific peroxides set forth in these claims are taught in col.

5, lines 19-44.

3. Claims 1-8 and 10-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Hatanaka et al. (U.S. Patent No. 4,329,275).

For claims 1 and 2, Hatanaka teaches liquid silicone rubbers that contain polyorganosiloxanes that have vinyl groups bonded to silicon atoms, polyorganohydrogensiloxanes, and organic peroxides. Col. 2, lines 19-46. For claim 2, the hydrogen-containing organopolysiloxane is not distinguished from the polyorganohydrogensiloxane set forth by Hatanaka.

For claim 3, Hatanaka teaches that the components can be mixed together in one part in col. 7, lines 65-67.

For claims 4 and 5, Hatanaka teaches the addition of fillers including silica filler. Col. 8, lines 3-10.

For claims 6-8 and 10-13, the specific peroxides set forth in these claims are taught in col. 5, line 61 through col. 6, line 5.

4. Claims 1-8 and 11-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Azechi et al. (U.S. Patent No. 6,734,250).

Art Unit: 1712

For claims 1 and 2, Azechi teaches liquid silicone rubbers that contain polyorganosiloxanes that have vinyl groups bonded to silicon atoms, polyorganohydrogensiloxanes, and organic peroxides. Col. 1, line 65 through col. 2, line 9; col. 2, lines 49-52; col. 11, lines 31-35; col. 19, lines 51-56. For claim 2, Azechi teaches hydrogen-containing organopolysiloxane in col. 5, lines 38-45.

For claim 3, Azechi teaches that the components can be mixed together in one part in col. 21, lines 27-30.

For claims 4 and 5, Azechi teaches the addition of fillers including silica filler. Col. 3, lines 12-19.

For claims 6-8 and 11-13, the specific peroxides set forth in these claims are taught in col. 19, lines 51-56.

5. Claims 1-8 and 10-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Reitmeier et al. (U.S. Patent No. 6,790,533).

For claims 1 and 2, Reitmeier teaches one-component silicone rubbers that contain polyorganosiloxanes that have vinyl groups bonded to silicon atoms, polyorganohydrogensiloxanes, and organic peroxides. Col. 4, lines 13-24. For claim 2, the hydrogen-containing organopolysiloxane is not distinguished from the polyorganohydrogensiloxane set forth by Reitmeier.

Reitmeier teaches that the viscosity of the diorganopolysiloxanes used are preferably not more than 100,000 Pa.s in col. 6, lines 61-65. The examiner's position is that given this disclosure, the compositions would be liquid.

Art Unit: 1712

For claims 4 and 5, Reitmeier teaches the addition of fillers including silica filler.
Col. 7, lines 1-6.

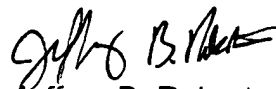
For claims 6-8 and 10-12, the specific peroxides set forth in these claims are taught in col. 19, lines 51-56.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey B. Robertson whose telephone number is (571) 272-1092. The examiner can normally be reached on Mon-Fri 7:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy P. Gulakowski can be reached on (571) 272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey B. Robertson
Primary Examiner
Art Unit 1712

JBR